

CHAPTER NO. 940

SENATE BILL NO. 374

By Cohen, Curtis S. Person, Jr., Ketron, Ford, Williams

Substituted for: House Bill No. 1474

By Briley, Sontany, Brenda Turner, Marrero

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 7, Part 1; Title 38, Chapter 8, Part 1; Title 39, Chapter 14, Part 2 and Title 44, Chapter 17, Part 4, to enact the "General Patton Act of 2003".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "General Patton Act of 2003".

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as a new section:

Section 38-8-116.(a) Effective August 1, 2003, the course of training leading to the basic certificate of compliance issued by the Tennessee peace officer standards and training commission pursuant to § 38-8-107, may include a course of instruction in animal behavior generally and canine behavior specifically.

(b) Such course shall be created and designed to instruct officer candidates in:

(1) Basic animal behavioral characteristics and traits and methods by which an officer can ascertain whether an animal is likely to be or become aggressive and thereby constitute a threat to the officer or other people.

(2) Situations and environments in which an animal is more likely to be or become aggressive and methods by which the officer can control or alter these situations or environments in order to best protect the officer and other people.

(3) Ways in which a law enforcement officer can control and neutralize an animal that is or becomes aggressive in a manner that utilizes the least amount of force or likelihood of harm to the animal necessary to protect the officer and other people;

(c)(1) For law enforcement officers who have completed the animal behavior training course required by subsections (a) and (d) of this section, any annual in-service training, necessary for the salary supplement authorized in § 38-8-111, may also include the animal behavior training course.

(2) The annual in-service training course shall also include any updates or instructional or educational advancements that become available in this area.

(d) Every officer who was employed prior to the time when the course of instruction was established and offered may be required to complete it as part of such officer's annual in-service training.

SECTION 3. Tennessee Code Annotated, Title 4, Chapter 7, Part 1, is amended by adding the following new section:

Section 4-7-118. (a) Effective August 1, 2003, before a person appointed by the commissioner can become a commissioned member of the highway patrol, such person, as a part of the training for such position, shall complete a course of instruction in animal behavior generally and canine behavior specifically that complies with the requirements of § 38-8-116.

(b) For members of the highway patrol who have completed the animal behavior training course required by subsections (a) and (c) of this section, any annual in-service training, required for members of the highway patrol, may also include the animal behavior training course.

(c) Any member of the highway patrol who was employed prior to the time when the course of instruction required by subsection (a) was established and offered shall be required to complete it as part of any annual in-service training required of the highway patrol. Any such member shall have two (2) years from the effective date of this act to receive the instruction required by subsection (a). Any officer who does not comply with this subsection shall be subject to department disciplinary proceedings.

(d) Any member of the highway patrol who completes a course of instruction in animal behavior approved by the POST commission for use as required in § 38-8-116, shall be in compliance with the provisions of this section.

SECTION 4. Tennessee Code Annotated, Section 44-17-403, is amended by deleting subsection (f) in its entirety.

SECTION 5. Tennessee Code Annotated, Section 39-14-212, is amended by deleting subsection (d) and substituting instead the following:

(d) Aggravated cruelty to animals is a Class E felony.

SECTION 6. Tennessee Code Annotated, Section 39-14-202, is amended by deleting subsection (f) and substituting instead the following:

(f)(1) Cruelty to animals is a Class A misdemeanor.

(2) A second or subsequent conviction for cruelty to animals is a Class E felony.

SECTION 7. Notwithstanding any provision of §55-4-290 to the contrary, a sum sufficient from the special fund created pursuant to §55-4-290 shall be annually transferred to the general fund for the sole purpose of funding increased incarceration costs resulting from the provisions of this act.


SECTION 8. The provisions of this act shall not apply to any animal while that animal is being used for training, for an occupational purpose, or for hunting.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 20, 2004



JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of June 2004



PHIL BREDEBEN, GOVERNOR